

any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title on the first day of the fiscal year succeeding the first fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than twenty-one years of age is lawful."

Subsec. (a)(2), (3). Pub. L. 105-178, §1103(l)(2)(A)(ii), (iv), redesignated par. (3) as (2) and substituted "paragraph (1)" for "paragraphs (1) and (2) of this subsection". Former par. (2) redesignated (1).

Subsec. (b). Pub. L. 105-178, §1103(l)(2)(B), added subsec. (b) and struck out heading and text of former subsec. (b) which related to period of availability for apportionment to State of funds withheld by the Secretary pending State enactment of federally-prescribed minimum drinking age.

1986—Subsec. (a). Pub. L. 99-272, §4104(d)(1), added subsection heading.

Subsec. (a)(1). Pub. L. 99-272, §4104(d)(2)-(4), added paragraph heading, aligned margins, and inserted "first" before "fiscal year beginning".

Subsec. (a)(2). Pub. L. 99-272, §4104(a), (d)(3), (5), added paragraph heading, realigned margins, and substituted "each fiscal year after" for "the fiscal year succeeding".

Subsec. (a)(3). Pub. L. 99-272, §4104(b), added par. (3).

Subsec. (b). Pub. L. 99-272, §4104(c), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "The Secretary shall promptly apportion to a State any funds which have been withheld from apportionment under subsection (a) of this section in fiscal year if in any succeeding fiscal year such State makes unlawful the purchase or public possession of any alcoholic beverage by a person who is less than twenty-one years of age."

Subsec. (c). Pub. L. 99-272, §4104(d)(6), added subsection heading.

Subsec. (c)(1). Pub. L. 99-514 substituted "Internal Revenue Code of 1986" for "Internal Revenue Code of 1954".

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

MINIMUM DRINKING AGE

Pub. L. 97-424, title II, §209, Jan. 6, 1983, 96 Stat. 2140, provided that: "The Congress strongly encourages each State to prohibit the sale of alcoholic beverages to persons who are less than 21 years of age."

§ 159. Revocation or suspension of drivers' licenses of individuals convicted of drug offenses

(a) WITHHOLDING OF APPORTIONMENTS FOR NON-COMPLIANCE.—

(1) BEGINNING IN FISCAL YEAR 1996.—The Secretary shall withhold 10 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) of section 104(b) on the first day of each fiscal year which begins after the fourth calendar year following the effective date of this section if the State does not meet the requirements of paragraph (3) on the first day of such fiscal year.

(2) FISCAL YEAR 2012 AND THEREAFTER.—The Secretary shall withhold an amount equal to 8 percent of the amount required to be apportioned to any State under each of paragraphs (1) and (2) of section 104(b) on the first day of

each fiscal year beginning after September 30, 2011, if the State fails to meet the requirements of paragraph (3) on the first day of the fiscal year.

(3) REQUIREMENTS.—A State meets the requirements of this paragraph if—

(A) the State has enacted and is enforcing a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception—

(i) the revocation, or suspension for at least 6 months, of the driver's license of any individual who is convicted, after the enactment of such law, of—

(I) any violation of the Controlled Substances Act, or

(II) any drug offense; and

(ii) a delay in the issuance or reinstatement of a driver's license to such an individual for at least 6 months after the individual applies for the issuance or reinstatement of a driver's license if the individual does not have a driver's license, or the driver's license of the individual is suspended, at the time the individual is so convicted; or

(B) the Governor of the State—

(i) submits to the Secretary no earlier than the adjournment sine die of the first regularly scheduled session of the State's legislature which begins after the effective date of this section a written certification stating that the Governor is opposed to the enactment or enforcement in the State of a law described in subparagraph (A), relating to the revocation, suspension, issuance, or reinstatement of drivers' licenses to convicted drug offenders; and

(ii) submits to the Secretary a written certification that the legislature (including both Houses where applicable) has adopted a resolution expressing its opposition to a law described in clause (i).

(b) EFFECT OF NONCOMPLIANCE.—No funds withheld under this section from apportionments to any State shall be available for apportionment to that State.

(c) DEFINITIONS.—For purposes of this section—

(1) DRIVER'S LICENSE.—The term "driver's license" means a license issued by a State to any individual that authorizes the individual to operate a motor vehicle on highways.

(2) DRUG OFFENSE.—The term "drug offense" means any criminal offense which proscribes—

(A) the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance the possession of which is prohibited under the Controlled Substances Act; or

(B) the operation of a motor vehicle under the influence of such a substance.

(3) CONVICTED.—The term "convicted" includes adjudicated under juvenile proceedings.

(Added Pub. L. 102-143, title III, §333(a), Oct. 28, 1991, 105 Stat. 944; amended Pub. L. 102-388, title III, §327(a), Oct. 6, 1992, 106 Stat. 1547; Pub. L. 105-178, title I, §1103(l)(3)(E), June 9, 1998, 112

Stat. 126; Pub. L. 112-141, div. A, title I, § 1404(g), July 6, 2012, 126 Stat. 558.)

REFERENCES IN TEXT

The date of enactment of the Transportation Equity Act for the 21st Century, referred to in subsec. (a)(1), is the date of enactment of Pub. L. 105-178, which was approved June 9, 1998.

The effective date of this section, referred to in subsec. (a)(1), (3)(B)(i), is Nov. 5, 1990. See section 333(e) of Pub. L. 102-143, set out as a note below.

The Controlled Substances Act, referred to in subsecs. (a)(3)(A)(i)(I) and (c)(2)(A), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, which is classified principally to subchapter I (§801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

AMENDMENTS

2012—Subsec. (a)(1), (2). Pub. L. 112-141, §1404(g)(1), designated par. (2) as (1), struck out “(including any amounts withheld under paragraph (1))” after “10 percent”, added par. (2), and struck out former par. (1). Prior to amendment, text of par. (1) read as follows: “For each fiscal year the Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) of section 104(b) on the first day of each fiscal year which begins after the second calendar year following the effective date of this section if the State does not meet the requirements of paragraph (3) on such date.”

Subsec. (b). Pub. L. 112-141, §1404(g)(2), added subsec. (b) and struck out former subsec. (b) which related to period of availability of withheld funds and effects of compliance and noncompliance.

1998—Subsec. (a)(1), (2). Pub. L. 105-178, §1103(l)(3)(E)(i), substituted “(5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) of” for “(5) of” before “section 104(b)”.

Subsec. (b)(1)(A)(i). Pub. L. 105-178, §1103(l)(3)(E)(ii)(I), substituted “section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century)” for “section 104(b)(5)(A)”.

Subsec. (b)(1)(A)(ii). Pub. L. 105-178, §1103(l)(3)(E)(ii)(II), substituted “section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century)” for “section 104(b)(5)(B)”.

Subsec. (b)(1)(A)(iii). Pub. L. 105-178, §1103(l)(3)(E)(i), substituted “(5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century) of” for “(5) of” before “section 104(b)”.

Subsec. (b)(3). Pub. L. 105-178, §1103(l)(3)(E)(ii)(IV), substituted “section 104(b)(5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century)” for “section 104(b)(5)” in concluding provisions.

Subsec. (b)(3)(A). Pub. L. 105-178, §1103(l)(3)(E)(ii)(I), substituted “section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century)” for “section 104(b)(5)(A)”.

Subsec. (b)(3)(B). Pub. L. 105-178, §1103(l)(3)(E)(ii)(III), substituted “(5)(B) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century)” for “(5)(B)”.

Subsec. (b)(4). Pub. L. 105-178, §1103(l)(3)(E)(ii)(IV), substituted “section 104(b)(5) (as in effect on the day before the date of enactment of the Transportation Equity Act for the 21st Century)” for “section 104(b)(5)”.

1992—Pub. L. 102-388 amended section generally, substituting “Beginning in fiscal year 1994” for “After second calendar year” as subsec. (a)(1) heading, “paragraphs (1), (3), and (5)” for “paragraphs (1), (2), (5), and

(6)” in subsec. (a)(1) and (2), “Beginning in fiscal year 1996” for “After fourth calendar year” as subsec. (a)(2) heading, “paragraph (1), (3), or (5)” for “paragraph (1), (2), or (6)” in subsec. (b)(1)(A)(iii), and “paragraph (1), (3), or (5)(B)” for “paragraph (1), (2), (5)(B), or (6)” in subsec. (b)(3)(B).

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-388, title III, §327(b), Oct. 6, 1992, 106 Stat. 1550, provided that: “The amendments made by subsection (a) of this section [amending this section] shall take effect November 5, 1990.”

EFFECTIVE DATE

Pub. L. 102-143, title III, §333(e), Oct. 28, 1991, 105 Stat. 947, provided that: “The amendments made by subsection (a) of this section [enacting this section] shall take effect November 5, 1990.”

STUDY ON STATE COMPLIANCE WITH REQUIREMENTS FOR REVOCATION AND SUSPENSION OF DRIVERS' LICENSES

Pub. L. 102-240, title I, §1094, Dec. 18, 1991, 105 Stat. 2025, provided that:

“(a) STUDY.—The Secretary shall conduct a study of State efforts to comply with the provisions of section 333 of the Department of Transportation and Related Agencies Appropriations Acts, 1991 and 1992 [section 333 of Pub. L. 102-143 (1992 Act) enacted this section and provisions set out as a note above and repealed section 333 of Pub. L. 101-516 (1991 Act) which amended section 104 of this title and enacted provisions set out as a note thereunder], relating to revocation and suspension of drivers' licenses.

“(b) REPORT.—Not later than December 31, 1992, the Secretary shall transmit to Congress a report on the results of the study conducted under this section.”

[§ 160. Repealed. Pub. L. 112-141, div. A, title I, § 1519(b)(1)(A), July 6, 2012, 126 Stat. 575]

Section, added Pub. L. 102-240, title I, §1014(a), Dec. 18, 1991, 105 Stat. 1941, related to reimbursement for segments of the Interstate System constructed without Federal assistance.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

§ 161. Operation of motor vehicles by intoxicated minors

(a) WITHHOLDING OF APPORTIONMENTS FOR NON-COMPLIANCE.—

(1) PRIOR TO FISCAL YEAR 2012.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b)¹ on October 1, 1999, and on October 1 of each fiscal year thereafter through fiscal year 2011, if the State does not meet the requirement of paragraph (3) on that date.

(2) FISCAL YEAR 2012 AND THEREAFTER.—The Secretary shall withhold an amount equal to 8 percent of the amount required to be apportioned to any State under each of paragraphs

¹ See References in Text note below.